

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

KAMONTY LEDON ANDREWS,)
TDCJ No. 1323185,)
Plaintiff,)
)
v.) Civil No. 7:12-CV-100-O-BL
)
BRIAN MOYNIHAN, *et al.*,)
Defendants.)

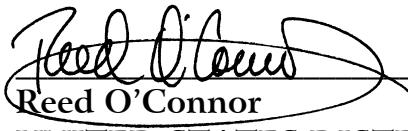
**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and of the Report and Recommendation of the United States Magistrate Judge, I am of the opinion that the Report and Recommendation of the Magistrate Judge is correct and it is hereby adopted and incorporated by reference as the Findings of the Court.

Accordingly, Plaintiff's claims under federal law are DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

Additionally, Plaintiff's complaint, construed as a diversity action raising substantive state law claims, is DISMISSED without prejudice pursuant to Rule 12(b)(1), Federal Rules of Civil Procedure, for lack of jurisdiction.

SO ORDERED this 21st day of February, 2013.


Reed O'Connor
UNITED STATES DISTRICT JUDGE